U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk

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Dept. of Homeland
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901 North Stuart St.,
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Name: LOPEZ, JUAN CARLOS

A99-378-387

Date of this notice: 12/11/2006

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,
/s/
Donna Carr
Chief Clerk

Enclosure

Panel Members:
PAULEY, ROGER

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals
Falls Church, Virginia 22041

File: A99-378-387 - Arlington Date: DEC 11, 2006

In re: LOPEZ, JUAN CARLOS

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Yacub, Ivan, Esquire

ON BEHALF OF DHS: Rook Moore, Assistant Chief Counsel

ORDER:

PER CURIAM. The respondent has appealed from the Immigration Judge's decision dated August 21, 2006. On appeal the respondent argues that his inability to have his legalization application reviewed by the Immigration Judge is a violation of his due process rights. However, the Department of Homeland Security has sole jurisdiction over the adjudication of legalization applications. See 8 C.F.R. §§ 245a.2; see also Matter of Singh, 21 I&N Dec. 427 (BIA 1996) (stating that the Board has no jurisdiction over legalization applications). As such, the Immigration Judge correctly found that he had no authority to allow the respondent to renew his

legalization application with the Immigration Court (I.J. at 4). With regard to the respondent's due process argument, we note that it is well-settled that this Board has no jurisdiction to adjudicate facial constitutional challenges to the Immigration and Nationality Act or its implementing regulations. Matter of C-, 20 I&N Dec. 529, 532 (BIA 1992). In sum, we find no merit to the respondent's arguments on appeal. Accordingly, the appeal is dismissed.

/s/
FOR THE BOARD